

Appl. No. 09/812,417
Amdt. Dated July 13, 2005

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed April 13, 2005. The Office Action withdraws the indication of allowability in the previous office action and re-opens prosecution with a new ground of rejection. Applicants respectfully traverse the rejection. Claims 1, 9, 17, 22, 23, 26, and 28 have been amended. Claims 1-28 remain pending in this application.

Rejection Under 35 U.S.C. § 102

1. Claims 1-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lawler (US Patent No. 5,822,123). Applicants respectfully traverse the rejection and contend that a *prima facie* case of anticipation has not been established.

To anticipate a claim, the reference must teach every element of a the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989).

Lawler discloses a program time guide. A future program options menu 136 is displayed when an action key is pressed (Lawler, col. 14, lines 22-26). The future program options menu 136 includes an Order button 138, a Remind button 140, a Record button 130, and a Cancel button 132 (Lawler, col. 14, lines 30-33).

Lawler does not disclose, implicitly or explicitly, among other things, (1) allowing the user to accept or modify the action, and (2) displaying the future program information of the selected future program with an indicator to indicate the future program action.

Lawler merely discloses the various option buttons of the program options. Activation any of these buttons causes the option to be performed (Lawler, col. 14, lines 35-48). The user is not given an opportunity of accept or modify the action. To clarify this aspect of the invention, independent claims 1, 9, 17, and 23 have been amended.

The Office Action states that Lawler discloses the indicator, citing program summary panel 108 and column 10, lines 34-41 (Office Action, page 3, lines 4-8). Applicants respectfully

Appl. No. 09/812,417
Amdt. Dated July 13, 2005

disagree. The program summary panel 108 merely contains a summary of a program 102 (Lawler, Figure 8, elements 102 and 108), not an indicator indicating a future program action. This program summary panel 108 may contain user specific icons to indicate certain characteristics set by the user such as whether the user has set a reminder or has requested recording of the program (Lawler, col. 10, lines 28-41). However, Lawler does not disclose that these icons indicate the selected program action. These are merely the characteristics set by the user.

Accordingly, Applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 102(b) rejection.

Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: July 13, 2005

By


Thinh V. Nguyen

Reg. No. 42,034

Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is, on the date shown below, being:

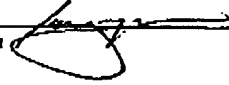
MAILING

☐ deposited with the United States Postal Service
as first class mail in an envelope addressed to:
Commissioner for Patents, PO Box 1450,
Alexandria, VA 22313-1450.

Date: July 13, 2005

FACSIMILE

☒ Transmitted by facsimile to the Patent and
Trademark Office.


Tu Nguyen

July 13, 2005

Date